

### **REMARKS**

By this Amendment, claims 5-21 and 33-38 are cancelled, and claims 39-41 are added. Thus, claims 39-41 are active in the application. Reexamination and reconsideration of the application are respectfully requested.

In item 1 on page 3 of the Office Action, claims 35-38 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. This rejection is believed to be moot in view of the cancellation of claims 35-38. Furthermore, the Applicants respectfully submit that this rejection is inapplicable to new claims 39-41 since these claims recite statutory subject matter under 35 U.S.C. § 101.

In item 2 on page 5 of the Office Action, claims 5-21 and 33-38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Matsushita I (Matsushita: Quan, Margaret; "Software Secure Net Music," Electronic Engineering Times, 14 August 2000, n1126 pg 24, Proquest #58025894, 2 pgs) and Matsushita II (Matsushita: "Matsushita Electric (Panasonic) and InterTrust to Collaborate on Secure Music Distribution," PR Newswire, 10 January 2001, pg1, Proquest #66453094, 3 pgs) in view of Ginter et al. (U.S. 5,910,987). This rejection is believed to be moot in view of the cancellation of claims 5-21 and 33-38.

Furthermore, the Applicants respectfully submit that this rejection is inapplicable to new claims 39-41 for the following reasons.

The present invention, as recited in new claim 39, provides a content distribution management system for circulating a content via a network. The content distribution management system of the present invention comprises a first communication terminal device, a second communication terminal device, a distribution management device, a communication exchange device and a content providing device.

The first communication terminal device includes a content specifying unit operable to send search request information that indicates a request for a content search to the communication exchange device, to receive, from the communication exchange device, a search list that is a result of the content search, and to specify at least one content based on the received search list. The first communication terminal device also includes a content acquiring unit operable to send, to the second communication terminal device, distribution request information that indicates a request for a distribution of the

specified content, and to receive the specified content from the second communication terminal device. Furthermore, the first communication terminal device includes a content purchasing unit operable to send, to the distribution management device, purchase request information that indicates a request for a purchase of the received content, and to receive copyright information of the content from the distribution management device.

The second communication terminal device includes a content receiving unit operable to receive a content from the content providing device, and a content sending unit operable to receive the distribution request information from the first communication terminal device, and to send the specified content to the first communication terminal device based on the distribution request information. Furthermore, the second communication terminal device includes an intermediary information accepting unit operable to accept, from the distribution management device, intermediary information with regard to an intermediary fee of the content purchased by the first communication terminal device.

The communication exchange device includes a content searching unit operable to receive the search request information from the first communication terminal device, to make a search based on the search request information so as to generate search result information that indicates at least one content, and to send the generated search result information to the first communication terminal device.

The distribution management device includes a copyright management unit operable to receive the purchase request information from the communication terminal device, to specify copyright information of the content to be purchased, based on the purchase request information, and to send the specified copyright information to the first communication terminal device. Furthermore, the distribution management device includes an intermediary information sending unit operable to determine details of an intermediary fee with regard to the purchase of the content by the first communication terminal device, based on the received purchase request information, and to send intermediary information with regard to the intermediary fee to the second communication terminal device.

The content providing device includes a content providing unit operable to provide at least one content to the second communication terminal device.

Accordingly, the content distribution management system of the present invention is a system which permits a secondary (intermediary) circulation of requested content from a second communication terminal device to a first communication terminal device which requests the content. In particular, the present invention provides that the second communication terminal device obtains the requested content from a content providing device together with payment information regarding payment for the requested content from a distribution management device that can be independent of the content providing device. The first communication terminal device sends a search request for the requested content to a communication exchange device, specifies a requested content based on a search list received from the communication exchange device responsive to the search request, sends distribution request information to the second communication terminal device to obtain the requested content from the second communication terminal device, and sends purchase request information, to the distribution management device, indicating a request to purchase the requested content.

Thus, the present invention provides that the first communication terminal device receives the requested content from the second communication terminal device, but receives the copyright information, based on purchase request information sent to the distribution management device, for the content from a distribution management device independent of the second communication terminal device.

Matsushita I and Matsushita II disclose that Panasonic and InterTrust have co-developed software for securely distributing music over the Internet through InterTrust's peer-to-peer distribution system, where music (contents) packaged in InterTrust's Secure Containers can be securely transferred to Panasonic's Secure Digital (SD) audio format Memory Card devices.

Ginter et al. discloses InterTrust's secure content distribution system which permits users to acquire the usage rights to a content, download the content from a content provider, and then transfer the acquired content "to other end-user parties without requiring the direct participation of a content provider to register and/or otherwise initialize the content for use [by the other end-user parties]" (see Column 24, lines 25-30). That is, Ginter et al. discloses a virtual distribution environment (VDE) which allows a first user to obtain and purchase a particular content from a distribution source

together with the copyright information of the content, and if that user is permitted to share the content based on the copyright information and usage rights, pass the obtained content to a second user. Ginter et al. thus disclose a peer-to-peer distribution system in which the first user obtains the content and usage rights of the content, and then passes the content and usage rights to a second user. In other words, as acknowledged by the Examiner on pages 7 and 8 of the Office Action, Ginter et al. merely discloses a system in which the first user which receives, purchases and obtains usage rights of a particular content may act as a re-distributor of the obtained content and usage rights thereof to the second user.

However, as described above, the present invention, as recited in new claim 39, provides that the first communication terminal device receives the requested content from the second communication terminal device, but receives the copyright information, based on purchase request information sent to the distribution management device, for the content from a distribution management device independent of the second communication terminal device. Accordingly, new claim 39 recites that first communication terminal device receives the requested content from the second communication terminal device, which receives the requested content from the content providing device, but the first communication terminal device separately receives the copyright information of the content from the distribution management device.

Furthermore, new claim 39 recites that the second communication terminal device accepts, from the distribution management device, intermediary information with regard to an intermediary fee of the content purchased by the first communication terminal device. The second communication terminal device receives the content requested by the first communication terminal device from the content providing device, but the first communication terminal device receives the copyright information of the requested content that has been purchased.

Therefore, the system of the present invention and the system of Matsushita I and II and Ginter et al. are markedly different from each other. In particular, the Matsushita-Ginter system is a re-distribution, peer-to-peer system in which a first user (e.g., a corporation) obtains a content and the rights thereto, and can then transfer the obtained content and the rights thereto to a second user (e.g., employees of the corporation). On

the other hand, the system of the present invention, as recited in new claim 39, is a secondary or intermediary circulation system in which a first terminal obtains the content from a second terminal but obtains the rights to the content from a distribution management device independent of the second terminal.

Accordingly, for at least the foregoing reasons, Matsushita I, Matsushita II and Ginter et al. clearly do not disclose or suggest each and every limitation recited in new claim 39.

Therefore, no obvious combination of Matsushita I, Matsushita II and Ginter et al. would result in the inventions of new claim 39 since Matsushita I, Matsushita II and Ginter et al., either individually or in combination, clearly fail to disclose or suggest each and every limitation of new claim 39.

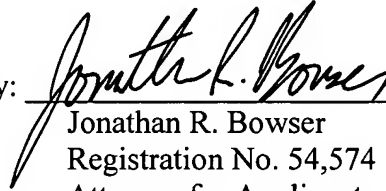
Furthermore, it is submitted that the distinctions are such that a person having ordinary skill in the art at the time the invention was made would not have been motivated to modify Matsushita I, Matsushita II and Ginter et al. in such a manner as to result in, or otherwise render obvious, the present invention as recited in new claim 39. Therefore, it is submitted that the new claim 39, as well as new claims 40-41 which depend therefrom, are clearly allowable over the prior art as applied by the Examiner.

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is clearly in condition for allowance. An early notice thereof is respectfully solicited.

If, after reviewing this Amendment, the Examiner feels there are any issues remaining which must be resolved before the application can be passed to issue, the Examiner is respectfully requested to contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

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